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EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 29 November 2005.

Status of Claims

2. Claims 1, 3, 10 and 17 are previously presented. Claims 2, 4-9, 11-16 and 18-20 are originally filed. Claims 1-20 are currently pending.

Response to Arguments

3. Applicant's arguments filed 29 November 2005 have been fully considered but are moot in view of the new grounds of rejection set forth below. Therefore claims 1-20 stand rejected and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson U.S. Patent 5,978,780 in view of Dent et al. (hereinafter Dent) U.S. Patent 6,128,603.

Claims 1-20 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Watson U.S. Patent 5,978,780 as stated in the office action mailed 25 January 2005. Regarding claims 1, 8 and 15, Watson teaches a computer implemented method of billing and payment, comprising: transmitting bill information representing a plurality of bills from a plurality of billers, including first information representing a first of the plurality of bills of a first of the plurality of billers for a first of the plurality of payors (column 5, lines 43-65) and determining a risk associated with the payment of a bill (column 6, lines 1-30). Watson fails to teach paying bills based on an instruction received from a payor responsive to receiving a transmitted bill. Instead Watson sends billing information to the personal settlements exchange. Dent teaches a consumer-based system and method for managing and paying electronic billing statement in which consumers receive billing statements electronically from the Internet (column 4, lines 59-

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62). After receipt of the bill, the consumer can elect to pay the bill electronically and may return a payment instruction to the biller or a representative of the biller, over the Internet (column 5, lines 4-6).

Further, Watson does teach selecting a debit type based on a determined risk. Watson first teaches that that instructions for debit specify whether to use electronic debit or credit/charge card debit (column 4, lines 55-65). Further, Watson teaches that the personal settlements exchange contains a payment reserve and credit enhancement feature, which backstops the liquidity of the system, and ensures the payments are made on a timely manner and in full amount to each service establishment (column 21, lines 7-21). Similarly, Dent mentions that there are risks with conventional bill payment (column 1, lines 34-46). Dent therefore teaches a cashflow analyzer that suggests charging certain amounts to credit cards in order to avoid late payments (column 10, lines 1-14). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Watson which has a personal settlement exchange to pay bills and include bill processing teachings of Dent because consumers want ultimate control when paying their bills and Dent provides for sending the bill information to a representative, a personal settlement exchange in this case, and not directly back to the biller. Both Watson and Dent also determine the most appropriate debit types based on analyzing a consumer's financial status in accordance with risk.

Claims 2, 9 and 16, the debit type is selected from a group including, debiting a deposit account associated with the first payor and debiting a deposit account associated with a service provider (column 4, line 55 thru column 5, line 32).

Claims 3, 10 and 17, if the debiting of the deposit account associated with the first payor is selected, the payment is initiated by one of (i) directing an ACH crediting to a deposit account associated with the first biller of ACH debited funds from the deposit account associated with the first payor, and (ii) directing preparation of a negotiable instrument payable to the first biller drawn on the deposit account associated with the first payor (column 15, lines 27-60); and if the debiting of the deposit account associated with the service provider is selected, the payment is initiated by one of (i) directing an ACH crediting to the deposit account associated with the first biller of the ACH debited funds from the deposit account associated with the service provider, (ii) directing another type of RPS crediting to the deposit account associated with the first biller of debited funds from the deposit account associated with the service provider and (iii) directing preparation of a negotiable instrument payable to the first biller drawn on the deposit account associated with the service provider (column 15, lines 61 thru column 16, lines 17).

Claims 4, 11 and 18, directing the ACH crediting to the deposit account associated with the service provider of other ACH debited funds from the deposit account associated with the first payor, if the debiting of the deposit account associated with the service provider is selected (column 16, lines 52-62).

Claims 5, 12, and 19 the received payment instruction has an associated payment amount; and the risk is determined based on a relationship between the payment amount and a payment amount threshold associated with all of the plurality of payors (column 13, lines 25-67).

Claims 6 and 13, the received payment instruction has an associated payment amount; and the risk is determined based on a relationship between the payment amount and a payment amount threshold associated with one of the first payor and the first biller (column 13, lines 25-67).

Claims 7, 14 and 20, the received payment instruction has an associated payment amount; the payment of the first bill is directed to be made within a time period; and the risk is determined based on a relationship between the payment amount plus a sum of other payment amounts associated with other payment instructions which have been received from the first payor for payments within the time period and a payment amount threshold (column 13, lines 25-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Respectfully Submitted
Stefano Karmis
06 February 2006



HANI M. KAZIMI
PRIMARY EXAMINER